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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,218	04/08/2004	Jean-Marc Dubois	88000.1020	9415

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EXAMINER

GROSSO, HARRY A

ART UNIT	PAPER NUMBER
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3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/821,218

Applicant(s)

DUBOIS ET AL.

Examiner

Harry A. Grosso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inwardly bent and upwardly tapering edges of the sidewall (claim 4) and the flat groove (claim 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 4 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Claim 4 recites inwardly bent and upwardly tapering edges on the sidewalls while the detailed description discloses an upwardly tapering bevel. It is unclear what is intended

5. Claim 12 recites a flat groove in the runner elements but the disclosure does not provide a description of where the groove is located.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 4 recites inwardly bent and upwardly tapering edges on the sidewalls while the detailed description discloses an upwardly tapering bevel. It is unclear what is intended

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9. Claim 12 recites a flat groove in the runner elements but does not provide a description of where the groove is located. It is unclear what is intended by this limitation.

10. Claim 13 recites the limitation of high-quality and impact-proof plastic. The terms "high-quality" and "impact proof" are descriptive terms open to interpretation by the user thus making the terminology indefinite.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-3 and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Walsh et al (2002/0070215, June 13, 2002) Walsh.

13. Regarding claim 1, Walsh discloses a transport box with 1st sidewalls (18, 20, Figure 1, paragraph 0035) and 2nd sidewalls (14, 16) and the base has support pillars formed by the lower wall segments with angular elements at the corners as seen in Figure 10 with step-like arrangements at the ends of the angular elements and hollow tubular elements (96, 98). The examiner considers the phrase "to receive tubular elements of a second transport box in the collapsed state" an intended use.

14. Regarding claim 2, the angular elements each comprise a long and a short section as can be seen in Figure 10.

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15. Regarding claim 3, the second sidewalls will comprise a rectangular cutout at the corner regions formed by the bottom of the sidewall and the downwardly protruding hinge member as seen from Figures 1 and 2.

16. Regarding claim 9, Walsh discloses runners (108) with cams (92, 92, Figure 10, paragraph 0045). And the cams are fastened to the tubular elements.

17. Regarding claim 10, the runner elements form a quadrangle (Figure 7).

18. Regarding claim 11, the cams are hollow and have reinforcing elements as seen in Figure 10.

19. Regarding claim 12, Walsh discloses the runners have a flat groove, as best understood, on the bottom as seen in Figure 7.

20. Regarding claims 13 and 14, Walsh discloses the box is injection molded from polyethylene. The material would be of a high quality and be impact proof at some performance level.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinstrub (5,467,885) in view of Walsh.

23. Regarding claim 1, Blinstrub discloses a transport box with 1st sidewalls (14 Figure 1, column 3, lines 7-18) and 2nd sidewalls (16) and the base has support pillars

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formed by the lower wall segments with angular elements at the corners as seen in Figure 8, with step-like arrangements in and at the ends of the angular elements and legs (24,26). The examiner considers the phrase "to receive tubular elements of a second transport box in the collapsed state" an intended use. Blinstrub does not teach that the legs can be hollow tubular elements. Walsh discloses a similar transport box with hollow tubular element for the legs to provide a box where the runner element under the legs can be removed or replaced. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of legs that were hollow tubular elements as disclosed by Walsh in the box disclosed by Blinstrub to make it possible to remove and replace the runner element.

24. Regarding claim 2, Blinstrub discloses the angular elements each comprise a long and a short section as can be seen in Figure 8, where the long section runs the entire length of the 2nd sidewalls.

25. Regarding claim 3, Blinstrub discloses the second sidewalls will comprise a rectangular cutout at the corner regions formed by the bottom of the sidewall and the downwardly protruding hinge member as seen from Figures 3 and 8.

26. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blinstrub as modified by Walsh in view of Stoner (2,020,020). Blinstrub as modified by Walsh discloses the invention including two inwardly bent edges (58, Figure 3) on the 2nd sidewalls and it appears that the edges may taper upward but Blinstrub and Walsh do not teach this. Stoner discloses a collapsible transport box with sidewalls that have inwardly bent edges that taper upwardly to facilitate collapsing the walls (6, Figures 1 and 2). It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of sidewalls that have inwardly bent edges that taper upwardly as disclosed by Stoner in the box disclosed by Blinstrub as modified by Walsh to facilitate collapsing the walls.

27. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinstrub as modified by Walsh and Stoner in view of Reiland et al (4,775,068)

(Reiland). Blinstrub as modified by Walsh and Stoner discloses the invention except for the inwardly bent edges of the second sidewalls having a bevel reinforced with ribs.

Reiland discloses a similar transport box with sidewall having inwardly bent edges with a bevel reinforced by ribs as seen in Figures 1 and 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of sidewalls that have inwardly bent edges with a bevel and reinforcing ribs as disclosed by Reiland in the box disclosed by Blinstrub as modified by Walsh and Stoner to provide an alternate construction for the corner of the sidewall incorporating reinforcing ribs for added strength.

28. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blinstrub as modified by Walsh in view of Reiland. Blinstrub as modified by Walsh discloses the invention except for longitudinal and transverse ribs in the corner regions of the sidewalls. Reiland disclose a similar transport box with longitudinal and transverse ribs in the corners of the sidewalls. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of longitudinal and transverse ribs in the corners of the sidewalls as disclosed by Reiland in the box

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disclosed by Blinstrub as modified by Walsh to provide for reinforcement of the sidewalls at the corner areas.

29. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Blinstrub as modified by Walsh and Reiland in view Hartwall (6,955,273). Blinstrub as modified by Walsh and Reiland discloses the invention except for the transverse and longitudinal ribs welded to a flat cover. Hartwall discloses a similar transport box with a sidewall having transverse and longitudinal ribs attached to a flat cover (34, Figure 4, column 5, lines 48-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a flat cover as disclosed by Hartwall in the box disclosed by Blinstrub as modified by Walsh and Reiland to enclose the sidewall and provide the ability to insulate the sidewalls. The examiner considers the term "welded" to be a product by process limitation that does not materially affect structure.

Conclusion

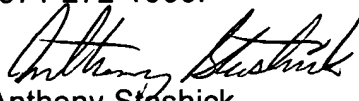
30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wagner et al (5,788,103), Borsboom et al (5,586,675) and Foy (4,923,079) disclose similar transport boxes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anthony Stashick
Supervisory Patent Examiner
Art Unit 3781

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